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In re Application of	:	
Sayood, et al.	:	
Serial No.: 10/561,889	:	
PCT No.: PCT/US04/19762	:	DECISION ON
Int. Filing Date: 21 June 2004	:	
Priority Date: 19 June 2003	:	PETITION
Attorney's Docket No.: UNVN.115325	:	
For: SYSTEM AND METHOD FOR SEQUENCE	:	UNDER 37 CFR 1.137(b)
DISTANCE MEASURE FOR PHYLOGENETIC	:	
TREE CONSTRUCTION	:	

This decision is responsive to the "PETITION FOR REVIVAL UNDER 37 C.F.R. § 1.137(b) OF PATENT APPLICATION DESIGNATION THE U.S. ABANDONED UNINTENTIONALLY" filed 25 January 2006.

BACKGROUND

On 21 June 2004, applicants filed international application PCT/US04/19762, which claimed priority of an earlier United States provisional application filed 19 June 2003. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 19 December 2005.

On 21 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States, an IDS and the basic national fee. These papers were assigned Application No. 10/561,889.

On 25 January 2006, applicants filed the current petition along with a statement from Jean Dickman. The statement indicated that although the application papers were originally filed on 19 December 2005, they were inadvertently filed by first class mail instead of Express Mail.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of \$55

Applicants have provided the required statement, a proper reply and the petition fee. Therefore, the petition to revive is GRANTED.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National Stage in the United States of America.



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